

Lawyer helps community group fight more liquor stores

Mack Alive, an Eastside Detroit community organization, provides substance abuse counseling and neighborhood development services to area residents. In recent years, Mack Alive has been working with residents to oppose the influx of liquor stores in the neighborhood, citing the over-saturation of such establishments and their negative



impact on residents' quality of life. Chaunci Wyche, Mack Alive's Director, notes that there

are 8 beer/ wine and liquor stores in just one 2-mile stretch of Mack Avenue, and that these stores compete with treatment facilities created to address the impact of drugs and alcohol in the community. Residents surveyed by Mack Alive would rather see grocery, hardware, and department stores, restaurants and bakeries in the neighborhood, and the non-profit has been working to create an environment which will attract these kinds of businesses.

Late in 2001, Ms. Wyche approached Community Legal Resources for help in supporting a City of Detroit Board of Zoning Appeals' decision to deny the transfer of a permit which would have allowed another liquor store to locate in the neighborhood. An appeal had been brought, and Mack Alive wanted to be certain that the community's interest was represented throughout the appeal. In the



This small stretch of Mack Avenue has 8 beer/wine and liquor stores.

midst of the holiday season—and just as his wife was preparing to give birth to their child—attorney **Arthur Siegal** of the law firm of **Jaffe Raitt Heuer & Weiss** agreed to draft an amicus brief on Mack Alive's behalf. He coached Ms. Wyche through the information-gathering process and filed the brief in mid-January.

Although the denial was overturned, the City has appealed the decision and Mr. Siegal is advising Mack Alive in support of the appeal. In addition, Mr. Siegal is working with Mack Alive to develop a strategy for presenting their concerns to the Liquor Control Commission. Stay tuned for developments!

Web-based teen health project tackles start-up legal issues

Nonprofit organizations needing legal assistance come in all shapes and sizes. In January, Community Legal Resources helped a small grassroots nonprofit in Ann Arbor connect with a team of local lawyers to get the organization off the ground.

The nonprofit, **Helping our Teen Girls in Real Life Situations, Inc.**, is the brainchild of a University of Michigan public health doctoral student whose research and work in the field revealed a lack of culturally-relevant health

information being provided to young black girls and women. Her idea was to collaborate with other young black girls and women to create an interactive web-based program that would increase access to technology and train teen girls in website development while expanding access to sexual and reproductive health education and services. The upcoming website for girls will provide health, HIV/AIDS and violence prevention information, internet-based support networks and referrals, and access to a cadre of black female medical and

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health professionals. The nonprofit's Director, Carla Stokes, came to CLR for help with a range of issues she was facing: incorporating and obtaining tax-exempt status from the IRS; obtaining service marks and protection of intellectual property that they design and post online; and clarifying laws and regulations pertaining to online privacy and the protection of minors.

A team of lawyers from the Ann Arbor office of **Bodman Longley & Dahling** were interested in the project and



agreed to help. **Susan Kornfield**, Chair of the firm's intellectual property practice group, put CLR staff in touch with **Court Anderson** and **Angie Sujek**, who agreed to handle the web regulation and intellectual property issues. **Randy Perry** and **Tina Torossian** of the firm's tax practice group signed on to help the nonprofit incorporate and

obtain tax-exempt status. Of her experience with the volunteer attorneys, Ms. Stokes says, "they've truly been a blessing. We had a difficult time finding legal representation for our nonprofit before hearing about CLR, and we're thrilled that the volunteer attorneys are top notch. They have far surpassed our expectations." Official launch of the nonprofit's new website is set for late summer.

Thank you to our 2001 Funders and Donors

Like the nonprofits we serve, Community Legal Resources could not survive without the generous gifts of foundations, corporations, law firms and individuals who have made a commitment to building communities and neighborhoods. Your contributions have allowed us to assist over 150 nonprofits since 1998 and leverage over \$1,000,000 in free legal services on behalf of groups building affordable housing, running job training and youth mentoring programs, and feeding and sheltering the homeless. We sincerely thank you all for making our work possible.

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Keeping neighborhoods clean and safe: code enforcement and nuisance abatement

By Mitzy A. Sharp Futro

Mitzy Sharp Futro has been an Equal Justice Works Fellow and Community Legal Resources Staff Attorney since September 2001. Mitzy is spearheading our education initiative which will arm community development organizations, as well as volunteer attorneys, with the legal tools and training to improve their communities.

There are many different components to “neighborhood development.” Often, attention is focused on starting new programs or attracting new businesses. While both are important aspects of revitalization efforts, efforts to improve existing conditions are just as important. Community activism is often the key to eliminating unsightly, unpleasant or dangerous conditions. Reporting code violations and instituting nuisance actions are two of the most common approaches to neighborhood improvement.

1. **Reporting code violations** is often one of the first steps to take in addressing unpleasant or hazardous conditions. *A code violation is an act or condition that is prohibited by a set of laws or regulations.* In Detroit, the two primary sources of these laws are the Detroit City Code and the Wayne County Code of Ordinances. Examples of the most common code violations include abandoned vehicles, littering and overgrown weeds.
Typically, the first contact for code violations is the Detroit Neighborhood City Hall. After being notified by the authorities to stop the violation, the offender is given an opportunity to comply with the code. If they refuse, they can be fined or sentenced to jail time.
2. For disturbances that are not specifically prohibited by a code, or for repeated, unaddressed violations, a **nuisance action** may be appropriate. From a legal stand-point, *a nuisance is an activity or condition that is an unreasonable and substantial interference with another’s use or enjoyment of their land.* There are two types of nuisance actions, public and private:
 - a) **A public nuisance** is an unreasonable interference with general community interests or the comfort of the public at large. It is a hazard to the health, safety, peace, comfort, and/or welfare of the public that is continuous or produces a long lasting effect. An example of a public nuisance would be a business owner who refuses to install adequate lighting and fences around his parking lot, even though he is aware that this makes it a popular loitering place for drug dealers and prostitutes.
 - b) **A private nuisance** can be similar to a public nuisance, but usually affects fewer people. In a private nuisance action, there is a specific, identifiable harm to a particular landholder(s), which is more severe or direct than any harm to the general public. In the above example, where the business owner refuses to install lighting and fences around his parking lot, the owner of an adjoining property may have a private nuisance action if the drug trafficking leads to littering, trespass and destruction of his property.

Nuisances are generally addressed through court action. A public nuisance suit may be brought by a private party, the attorney general, or a prosecuting attorney, while only affected parties may bring private nuisance actions. In either instance, owners, tenants and occupants of nuisance-causing properties are all potentially liable. Once the court has found a nuisance, it can issue an injunction, ordering the abatement of the nuisance. Private parties bringing a nuisance action may also receive individual compensation, if they can prove that their damages are different than the injury suffered by the general public.

For more information about documenting, reporting or pursuing code violations or nuisance actions, contact Community Legal Resources at 313-964-4130.

CLR volunteers are among Detroit's most influential women.

Community Legal Resources is proud to report that three of the five women recognized by Crain's Detroit Business as Detroit's Most Influential Women in the legal sector are also CLR volunteers or supporters. Leslie Banas of Honigman Miller Schwartz & Cohn; Julia Darlow of Dickinson Wright; and Amanda Van Dusen of Miller Canfield Paddock & Stone, were among the 100 local women profiled in the March 2002 article. Honorees were selected for their influence within their industry, their track record of accomplishment, and their solid reputation for integrity and ethical behavior. We are honored to count Leslie, Julia and Amanda among our supporters!

Million Dollar Celebration on May 9th!

Please join Community Legal Resources staff, board, volunteers, clients and supporters for free drinks and appetizers to celebrate our first \$1,000,000 of pro bono legal services provided by lawyers, law firms and corporate legal counsels to community organizations, working together to build stronger and more vibrant communities. Federal District Court Judge Nancy G. Edmunds is our special guest speaker.

When: Thursday, May 9th from 5:30pm to 7:30pm

Where: Oakland County offices of Dykema Gossett PLLC
39577 Woodward Avenue, Suite 300, Bloomfield Hills
(southwest corner of Woodward Avenue and Long Lake Road)

Please RSVP to Karinda Washington at 313/964-4130 or kwashington@michiganlegal.org. A special thanks to The Michigan Capital Fund for Housing, Dykema Gossett and the Michigan State Housing Development Authority for sponsoring this event.

Community Legal Resources is a joint project of Michigan Legal Services and the Pro Bono Committee of the Business Law Section of the American Bar Association working in conjunction with the Michigan Litigation Assistance Partnership Program.

Our mission is to foster pro bono legal representation for unfulfilled legal needs of nonprofit community organizations in Michigan that serve low-income individuals and communities, with an emphasis on community economic development activities.

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